

APPLICANT(S): MAACK, Hanns-Ingo

SERIAL NO.: 10/596,464

FILED: June 6, 2007

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AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

Applicant respectfully asserts that the amendments to the drawings add no new matter.

Attachment: Replacement Sheet

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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-10 are pending in the application. Claims 1-10 have been rejected.

Remarks to the Drawings

Fig. 1 has been amended to add descriptive legends. The entire drawing sheet containing each corrected drawing is enclosed for review by the Examiner.

Drawings Objections

The drawings have been objected to. Descriptive legends have been added to Fig. 1. The Examiner is respectfully requested to withdraw his objection.

CLAIM REJECTIONS

35 U.S.C. § 101 Rejections

In the Office Action, the Examiner rejected claim 10 under 35 U.S.C. § 101.

According to CAFC decision *In re Bilski*, "A claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing."

Claim 10 claims "a computer program or computer program product for an image processing device as claimed in claim 1 for carrying out a method of creating a display image from an X-ray image." Applicant respectfully asserts that the program claimed in claim 10 satisfies the conditions stated in *In re Bilski* in that "it is tied to a particular machine or apparatus," namely, "an image processing device as claimed in claim 1." Applicant

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respectfully further asserts that the program claimed in claim 10 satisfies the conditions stated in *In re Bilski* in that it "transforms a particular article into a different state or thing, "namely, "an X-ray image" into "a display image."

Accordingly, Applicant respectfully requests that the rejection of claim 10 under 35 U.S.C. 101 be withdrawn.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1-10 under 35 U.S.C. § 102(b), as being anticipated by Rogers *et al.* (US 6,091,841). Applicants respectfully traverse this rejection in view of the remarks that follow.

Rogers *et al.* disclose cropping an image in which a single "rectangular analysis region containing breast tissue is segmented from the digital mammogram image." Specifically, labels are excluded (column 5, line 64 to column 6, line 14). Rogers *et al.* do not teach or suggest "the part-images are arranged in the display image in a spatially separate manner" as recited in independent claims 1 and 2. Nor does Rogers *et al.* teach or suggest "arranging the part-images in the display image in a spatially separate manner" as recited in independent claim 7. For a reference to anticipate a claim, the reference must teach all elements of the claim. Therefore, Rogers *et al.* cannot anticipate independent claims 1, 2 and 7.

Accordingly, Applicant respectfully asserts that independent claims 1, 2 and 7 are allowable. Claims 3-6 and 8-10 depend from, directly or indirectly, claims 1, 2 and 7, and therefore include all the limitations of those claims. Therefore, Applicant respectfully asserts that claims 3-6 and 8-10 are likewise allowable. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to amended independent claims 1, 2 and 7 and to claims 3-6 and 8-10 dependent thereon.

Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1-10.

In view of the foregoing remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

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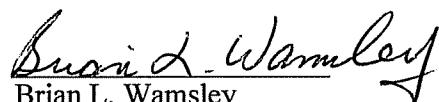
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Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Respectfully submitted,



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